

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**HARMON C. STRUNK, JR., #66295280,**

Plaintiff,

v.

**WILLIAM RESTRO, et. al.,**

Defendants.

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Civil Action No. **3:16-CV-1470-L**

**ORDER**

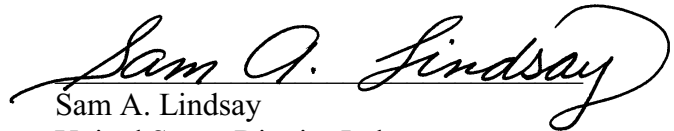
Before the court is Plaintiff's *pro se* complaint alleging violations of the Americans with Disabilities Act ("ADA"); requesting compassionate release; and asserting a *Bivens* action against Dr. J. Capps, Dr. Ducksworth, Dr. William Restro, Medical Administrator Hunter, Assistant Medical Administrator Graham, Warden E. M. Mejia, and Executive Officer Burns, as individuals. On November 18, 2016, United States Magistrate Judge Renee Harris Toliver entered the Findings, Conclusions, and Recommendations of the United States Magistrate Judge ("Report"), recommending that all of Plaintiff's ADA and compassionate release claims be dismissed without prejudice for lack of jurisdiction, and that Plaintiff's *Bivens* and 18 U.S.C. § 4042 claims be dismissed with prejudice for failure to state a claim upon which relief can be granted.

Plaintiff objects to nearly every page of the Report, but his objections seem to center around three issues. First, he objects to his case being referred to the magistrate judge. Second, he objects to the Reports finding that the ADA, as a matter of law, does not apply to the federal government and federal agencies such as the Bureau of Prisons. Last, he objects to the Report's finding that he

did not allege facts to support a finding of deliberate indifference with respect to his claim for denial of medical care.

Having reviewed the file, Report, record, applicable law, and conducting a *de novo* review of Plaintiff's objections, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** Plaintiff's ADA and compassionate release claims for lack of jurisdiction; and **dismisses with prejudice** Plaintiff's *Bivens* and 18 U.S.C. § 4042 claims for failure to state a claim upon which relief can be granted.

**It is so ordered** this 30th day of December, 2016.

  
Sam A. Lindsay  
United States District Judge